

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

COUNTRY MUTUAL INSURANCE  
COMPANY,

Plaintiff,

vs.

ELECTROLUX HOME PRODUCTS, INC.,

Defendant.

Case No. 13-cv-849-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on defendant Electrolux Home Products, Inc.’s (“Electrolux”) motion to dismiss (Doc. 15). In its motion, Electrolux moves to dismiss with prejudice Count Four, alleging negligent breach of continuing duty to warn, of plaintiff Country Mutual Insurance Company’s (“Country Mutual”) complaint. Country Mutual filed its response (Doc. 23) to the motion in which it informs the Court it “does not oppose [Electrolux]’s motion and consents to having Count [Four] dismissed with prejudice.” Doc. 23, p. 2. Accordingly, the Court **GRANTS** Electrolux’s motion to dismiss (Doc. 15), **DISMISSES with prejudice** Count Four of Country Mutual’s complaint, and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of this case.

**IT IS SO ORDERED.**

**DATED:** December 3, 2013

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**